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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/737,339

Applicant(s)

DUTTA ET AL.

Examiner

CUONG H. NGUYEN

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-11 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 12, 13 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **Status of the Claims**

1. This Office Action is the answer for the response received on 11/30/2004. Claims 1-6, 9-11, and 14-16 are pending.

### **Drawings**

2. This application has been filed with 5 figures of drawings (4 pages) which currently are acceptable for examining purposes. Please note that Fig.1 ONLY shows about transferring data WITHIN a consumer computer 2 (i.e., no 2-way communication between a Sales Agent Server 6, and Agent Web Page 14).

### **Response**

3. The examiner respectfully submits that a new ground of rejection is applied; the arguments about previous rejections based on ActiveX software are moot. This is a Non-Final Office Action. The applicants admit that: "To find the current price when the transaction occurs, the consumer would have to access the centralized exchange to determine the real-time price when the transaction, e.g., sale or purchase, was executed" (see the Description of the Related Art, page 1, lines 18-21); and Consumer Report Magazine or Consumer Digest Magazine have made consumers confident about the fairness of the price they are being charged for product whether a purchase is online or "a regular purchase" as in Description of the Related Art portion (see the specification, page 2, lines 5-6); therefore, this

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claimed invention is old and well-known (the information of "merging" a price/a document (1<sup>st</sup> source) to another document (2<sup>nd</sup> source) is a well-known technique of computer OLE (Object-linking & embedding).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

4. Claims 1-6, 9-11, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation "How to write and use ActiveX control...", in view of Flexi International's article titled "Flexi Web Strategy Targets ActiveX First, Java Maybe", and further in view of the Official Notice.

A. Re. To Independent claims 1, 9, and 14:

As best interpretation, claim 1 is interpreted as: FlexiInternational teaches about an application of Microsoft® ActiveX® software on a client computer for transferring content in a Web environment (see Flexi International, page 1 - lines 22-23 "ActiveX will provide the ability to download just the components that are needed. The objects

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will also persist on the desktop after the session," ActiveX is able to transfer/receive data to communicate to other downloading content regardless of the language in which the components were created (see "How to write...", page 1 - paragraph 5).

Flexi International does not expressly disclose a system for transferring data from a first server through a client, comprising a second server; a network interface (an ActiveX control) allowing the second server to communicate with the client; program logic implemented in a computer readable memory capable of causing the second server to perform: (i) in response to a request, transmitting a first page to the client computer, wherein the first page activates a program in the client computer to cause the client computer to transmit transfer data to the second server, wherein the client computer accesses the transfer data from a second page the client computer downloads and displays from the first server, and wherein the program further causes the client computer to display the transfer data from the second page with the content from the first page; however, these are obvious functions of Microsoft ActiveX Controls (see Microsoft Corp. "How to write and use ActiveX Controls..."); and Microsoft's ActiveX also provides receiving the transfer data from a client's computer.

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Microsoft Corporation and Flexi International do not expressly disclose a step of: "communicating transfer data to an "agent server""; however, this step is old and well-known in computer communications (i.e., an Official Notice is taken here due to a claimed limitation for merely providing transfer data to an extra location).

It would have been obvious to one of ordinary skill in the art at the time of invention for using Microsoft ActiveX Controls to implement Flexi International's application of ActiveX for Object-Linking and Embedding by inserting ActiveX Controls into its web page for the benefit of using a control to read its host page and down-loading to modify all elements in that page at any time; and it is old and well-known for providing that downloaded data to another location.

**B. As for dependent claims 2, 11, and 16:**

The rationale and reference for above rejection of claim 9 are incorporated.

As best interpretation, FlexiInternational teaches about an application of ActiveX program, in response to user input at a client computer, issues a request to download (see Flexi International, page 1 - lines 22-23 "ActiveX will provide the ability to download just the components that are needed. The objects will also persist on the desktop after the session, ") and display a second page from a first server including transfer

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data (see "How to Write and Use ActiveX Controls...", page 3 of 6, section "Using ATL", wherein the program displays the transfer data with the content from the first page by Object-Linking and Embedding (OLE), (see "How to Write and Use ActiveX Controls...", page 1 of 6, section "Introducing ActiveX Controls").

Microsoft Corporation and Flexi International do not expressly disclose a step of: a program communicating transfer data to another program; however, this step is old and well-known in computer communications (i.e., an Official Notice is taken here due to a claimed limitation for merely communicating/providing transfer data to another location).

**C. As for dependent claims 5, 10, and 15:**

The rationale and reference for above rejection of claim 22 are incorporated.

Flexi International obviously teaches that transfer data is written/downloaded to a client computer, and wherein the program ActiveX activated in the client computer reads the transfer data from the memory location (see "How to Write and Use ActiveX Controls...", page 2 of 6, section "**Just-in-time activation.**" and see Flexi Web Strategy..., page 1 of 2, lines 22-23 "...The object will also persist on the desktop after the session" ).

Flexi International's ActiveX application is also capable of using 1<sup>st</sup> program to access/control the transfer data (see

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"How to Write and Use ActiveX Controls...", page 1 of 6, section "Introduction".

**D. As for dependent claims 3-4:**

The rationale and reference for above rejection of claim 1 are incorporated.

As best interpretation, FlexiInternational teaches that:

"Microsoft ActiveX Controls will provide the ability to download just the components that are needed":

Microsoft's ActiveX Controls also sufficiently performs below claimed steps (see Microsoft "How to write and use ActiveX controls for Microsoft Windows...", page 2 of 6, para.7 to para. 10).

- a) activating a first program;
- b) receiving input data to download and display data; and
- c) activating a second program, wherein the second program communicates the transfer data to the first program, and wherein the first program displays the transfer data with the content from the first page.

In part c) above, Microsoft Corporation and Flexi International do not expressly disclose a step about a program communicating transfer data to another program; however, this step is old and well-known in computer communications (i.e., an Official Notice is taken here due to a claimed limitation for merely communicating/providing transfer data to another location).



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Therefore, Flexi International in view of above Official Notice teach about using Microsoft ActiveX Controls to receiving input to control communication (i.e., causing a program to communicate transfer data to a first program - see "How to write and use ActiveX controls for Microsoft Windows...", page 1 of 6, section "Introducing ActiveX Controls").

**E. As for dependent claim 6:**

The rationale and references for above rejection of claim 3 are incorporated.

As best interpretation, FlexiInternational teaches about an application of Microsoft ActiveX Controls wherein first and second pages (of Web downloaded files) include code to activate the first and second programs, respectively (see Microsoft "How to write and use ActiveX Controls for Microsoft Windows...", page 1 of 6, lines 18-29).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Microsoft Corp.'s ActiveX with above application of Flexi International for a benefit of saving time and resources for not creating an extra window for ActiveX Control software until it is activated by a user.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H.

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NGUYEN whose telephone number is 703-305-4553. The examiner can normally be reached on 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 703-305-8233. The fax phone number for the organization where this application is assigned is 703-305-7687. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cuong Nguyen*

*CHN*  
CUONG H. NGUYEN  
Primary Examiner  
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